

**Adopted Rule Amendments to:**

**§364.1. Requirements for Licensure.**

**§364.2. Initial License by Examination.**

**§364.3. Temporary License.**

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Please note that these are ADOPTED amendments, but they will not be in effect until 1/1/2016, at which time, the adopted rule sections will replace the rule sections of the same name and number in the current rules. [Please click this link](#) to view the current rules.

**Introduction:**

The Texas Board of Occupational Therapy Examiners adopts amendments to §§364.1-364.3, concerning requirements for initial licensure.

The amendments include changes regarding fee waivers and/or expedited services under specified conditions for active duty military service members, military veterans, and/or military spouses, as necessitated by Senate Bill 807 and Senate Bill 1307 from the 84th Legislative Session, which concern Chapter 55 of the Occupations Code. In addition, the requirement that all applicants for licensure by examination submit the receipt showing that they have ordered the NBCOT score report for Texas has been removed. According to the amendment, only those applying for a temporary license must submit such in order to ensure the Board receives notification of their passing examination score as if the Board does not receive such, the temporary license is void.

**§364.1. Requirements for Licensure.**

(a) All applicants for initial Texas licensure shall:

- (1) submit a complete Board application form or online Board application with a recent passport-type color photograph of the applicant;
- (2) submit a non-refundable application fee as set by the Executive Council;
- (3) submit a successfully completed Board jurisprudence examination on the Act and Rules;
- (4) have completed an accredited OT/OTA program;
- (5) have completed supervised fieldwork experience, a minimum of 6 months for OT and 2 months for OTA; and
- (6) either meet the requirements in §364.2 of this title (relating to Initial License by Examination) and apply by examination or meet the requirements in §364.4 of this title (relating to Licensure by Endorsement) and apply by endorsement.

(b) The applicant must also meet the requirements in §364.2 of this title and apply by examination if the applicant:

- (1) has not passed the NBCOT certification examination; or

(2) has passed the NBCOT certification examination and

(A) is not currently licensed as an occupational therapist or occupational therapy assistant in another state or territory of the U.S.; or

(B) if not currently licensed in another state or territory of the U.S., is applying from the U.S. military or a non-licensing state or territory of the U.S. and cannot substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license.

(c) The applicant must also meet the requirements in §364.4 of this title and apply by endorsement if the applicant has passed the NBCOT certification examination and:

(1) is currently licensed as an occupational therapist or occupational therapy assistant in another state or territory of the U.S.; or

(2) if not currently licensed in another state or territory of the U.S., is applying from the U.S. military or a non-licensing state or territory of the U.S. and can substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license.

(d) Applicants who are military service members, military veterans, and military spouses:

(1) The Board shall credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, with respect to an applicant who is a military service member or military veteran.

(2) The Board shall waive the application fees for a military service member or military veteran who is applying for a license by examination as per §364.2 of this title (relating to Initial License by Examination). In order to request a waiver of application fees, the military service member or military veteran must submit a copy of the Uniformed Services Military ID card or other appropriate official documentation evidencing current or former military affiliation and notify the Board of his or her military affiliation.

(3) The Board shall waive the application fees and will expedite the issuance of a license for a military service member, military veteran, or military spouse who is applying for licensure by endorsement as per §364.4 of this title (relating to Initial Licensure by Endorsement). In order to request a waiver of application fees and expedited services, the military service member, military veteran, or military spouse must submit a copy of the Uniformed Services Military ID card or other appropriate official documentation evidencing current or former military affiliation and notify the Board of his or her military affiliation.

(4) In this section, “military service member,” “military veteran,” and “military spouse” have the meaning as defined in Chapter 55, Occupations Code, §55.001.

(e) An application for license is valid for one year after the date it is received by the Board. At the end of the year, the application fee must be paid to continue the application process for the second year. The process will then continue under the terms of the original application.

(f) An applicant who submits an application containing false information may be denied a license by the Board.

(g) Should the Board reject an application for license, the reasons for the rejection will be communicated in writing to the applicant. The applicant may submit additional information and request reconsideration by the Board. If the applicant remains dissatisfied, a hearing may be requested as specified in the Act.

(h) Applicants and licensees must notify the Board in writing of changes in name, residential address, work address, mailing address, email address, and/or supervising occupational therapist within 30 days of the change. A copy of the legal document (e.g., a marriage license, court decree, or divorce decree) evidencing the name change must be submitted by the licensee or applicant with any written notification of a change in name.

(i) The address of record is the information provided to the public. Until licensees select an address of record, the work address will be used as the default. If no work address is available, the mailing address will be used. If no alternate address is available, the home address will be used. Applicants and licensees may update this information at any time.

(j) The Board may issue a copy of a license to replace one lost or destroyed upon receipt from the licensee of a written request on a form prescribed by the Board and the appropriate, non-refundable fee as set by the Executive Council. The Board may issue a replacement copy of a license to reflect a name change upon receipt from the licensee of a written request on a form prescribed by the Board, the appropriate, non-refundable fee as set by the Executive Council, and a copy of the legal document (e.g., a marriage license, court decree, or divorce decree) evidencing the name change.

(k) The first regular license is valid from the date of issuance until the last day of the applicant's birth month, with a duration of at least two years.

(l) A new licensee with a regular or temporary license may provide occupational therapy services according to the terms of the license upon online verification of current licensure and license expiration date from the Board's license verification web page. The Board will maintain a secure resource for verification of license status and expiration date on its website.

(m) Licensees will follow the rules for continuing education, as described in Chapter 367 of this title (relating to Continuing Education).

#### **§364.2. Initial License by Examination.**

(a) An applicant applying for license by examination must:

(1) meet all provisions of §364.1 of this title (relating to Requirements for a License); and

(2) pass the NBCOT certification examination for occupational therapists or occupational therapy assistants with a score set by NBCOT. Score reports must be sent directly to the Board by NBCOT.

(b) The application for license must be received no later than two years following the date of the passing examination. If the application is received after this time, the applicant must take and pass the NBCOT examination for licensure purposes only. The applicant must request

Board approval to take this examination. The score report must be sent directly to the Board by NBCOT.

(c) An applicant who fails an examination may take additional examinations by sending in the appropriate, non-refundable fee as set by the Executive Council with the Board's re-exam form.

(d) An applicant with a history of licensure in occupational therapy must submit a verification of license from each state or territory of the U.S. in which the applicant is currently licensed or previously held a license. This must be an original verification sent directly to the Board by the licensing board in that state or territory. Any disciplinary actions must be reported to the Board.

(e) Previous Texas licensees are not eligible for Initial License by Examination.

### **§364.3. Temporary License.**

(a) The Board may only issue a temporary license to an applicant who is taking the NBCOT certification examination for the first time.

(b) Temporary Licensure is not available to applicants who have received a license in any state or territory of the U.S. or another country as an occupational therapy practitioner or to applicants applying from the U.S. military or a non-licensing state or territory of the U.S. who have had occupational therapy employment for at least two years preceding application for a Texas license, unless it was as an occupational therapy assistant (OTA), and they now meet the requirements for a temporary license as an occupational therapist (OT). In this section, "occupational therapy practitioner" means an individual licensed as an occupational therapist or occupational therapy assistant in any state or territory of the U.S. or another country.

(c) To be issued a temporary license, the applicant must:

(1) meet all provisions of §364.1 of this title (relating to Requirements for a License);

(2) meet all provisions of §364.2 of this title (relating to License by Examination);

(3) submit the Confirmation of Examination Registration and Eligibility to Examine form from NBCOT, which must be sent directly to the Board by NBCOT and which reflects the 90 day window in which the applicant will take the examination;

(4) submit a copy of the receipt showing that an NBCOT score report has been ordered for the Board;

(5) submit a signed verification of supervision on a form prescribed by the Board; and

(6) send the Board the non-refundable temporary license fee as set by the Executive Council.

(d) If the applicant fails the examination, fails to take the examination during the 90 day window as stated on the Confirmation of Examination Registration and Eligibility to Examine form from NBCOT, or fails to have the score reported, the temporary license is void and must be returned to the Board. An additional temporary license will not be issued.

(e) A temporary license shall be valid no longer than 180 days.